

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

EUGENE FRANZWA,

Civil No. 06-3739 (JRT/RLE)

Plaintiffs,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

CITY OF HACKENSACK, ERICK
HEDREN, LARRY CIHA, AND RON
JOHNSTON,

Defendants.

MICHAEL C. MAHONEY, **MAHONEY ANDERSON LLC**, 539 Lake Street East, Wayzata, MN 55391; Thomas A. Foster, **THOMAS A. FOSTER & ASSOCIATES, LTD**, 80 South Eighth Street, Suite 2040, Minneapolis, MN 55402, for plaintiff.

Susan Steffen Tice, Jessica E. Schwie, and Pierre N. Regnier, **JARDINE, LOGAN & O'BRIEND, PLLP**, 8519 Eagle Point Boulevard, Suite 100, Lake Elmo, MN 55042, for defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, dated May 28, 2008, all the files and records, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that defendants' Motion for Summary Judgment [Docket No. 24] is granted.

Dated: July 3, 2008
at Minneapolis, Minnesota

s/ John R. Tunheim
John R. Tunheim
United States District Judge